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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,196	10/29/2001	Kent Massey	9698-2 US1	4119
23973	7590	12/28/2005	EXAMINER	
DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			PARRY, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,196	MASSEY, KENT	
	Examiner	Art Unit	
	Chris Parry	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-34 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/11/02, 12/02/02</u> . <u>1/21/03</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference sign 404 as mentioned in ¶ 65 does not appear in figure 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 8, ¶ 00027, "Diedre Explains" should be --Diedra Explains--. On page 16, ¶ 00052, "Diedre" should be --Diedra--, this correction should be made throughout the specification where corrections are necessitated. On the top of page 18, the third line from the top, ¶ 00055,

"**judgement**" should be --**judgment**--. On page 18, the third line of ¶ 00057, "**subtilities**" should be --**subtleties**--.

Appropriate correction is required.

Claim Objections

3. Claim 23 is objected to because of the following informalities: On page 33, for limitation (d) in claim 23, the last line of the limitation "upon the particular decisions made prior to the **linking scene**" should be --upon the particular decisions made prior to the **linking page**--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 5 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "relatively" in claims 5 and 19 is a relative term, which renders the claim indefinite. The term "relatively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term "relatively" fails to distinctly point to the degree of how high the production costs are for producing a neutral scene.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 9-10, 24, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Bejan et al. "Bejan" (U.S. 5,465,384).

Regarding Claim 1, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer" by disclosing a series of images which are displayed during a sample episode as disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25). Bejan teaches, "delivering some of the scenes to the viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented to the viewer" by disclosing at the end of a scene, a branching point decision is displayed to the audience and the audience votes on three choices on the direction of the plot of the episode (Col. 8, lines 40-50). Bejan teaches, "for each alternative decision at a branching point, having available to present to the viewer a scene sequence corresponding to the decision" by disclosing in figure 3, when the user makes a choice between 2nd branch A, B, or C, the audience will be presented with

sequence of scenes which lead to the intersecting scene (Col. 9, lines 55-66). Bejan teaches, "enabling the viewer to make one of the alternative decisions" by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to one of the three perspectives and thus one of the three series of images or "scene sequences" (Col. 8, lines 2-6). Bejan teaches, "in response to the viewer's decision, presenting the scene sequence that corresponds to the decision" by disclosing the main computer instructs the video disk player 34 to play the selected new series of images (Col. 8, lines 47-50). Bejan teaches, "structuring the branching points and their related scene sequences such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene" by disclosing, in figure 3, in order to minimize the number of scenes which must be stored, intersection scenes can be used. An intersection scene brings all the various branches together in time (Col. 10, lines 5-12). Bejan teaches, "for selected decisions made prior to a linking scene, producing one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene that is viewable after the linking scene" by disclosing in figure 3, after the linking scene the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22). Bejan teaches, "when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene from the set that is related to the particular decision made" by disclosing when

the audience arrives at the first branch act, shown in figure 3, the user chooses branch A, B, or C and then from the chose branch, the viewer will be prompted to make another decision that is related to the selected branch (Col. 9, line 38 – Col. 10, line 25).

As for Claim 2, Bejan teaches, “producing the variation scenes in a set with essentially the same characters and props, such that the variation scenes in a set differ from each other by the dialog and expression of at least one character” by disclosing once the multi-perspective act terminates, the program moves into the first scene of the branching act. In general fashion, during the branching act, a scene is displayed to the audience, at the end of which the audience is presented with three choices on the direction of the plot of the episode. Unlike the multi-perspective act, the three choices will lead to a different series of events or different plots (Col. 8, lines 40-50).

As for Claim 3, Bejan teaches, “delivering some of the scenes to each interactive viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented” by disclosing once the multi-perspective act terminates, the program moves into the first scene of the branching act. In general fashion, during the branching act, a scene is displayed to the audience, at the end of which the audience is presented with three choices on the direction of the plot of the episode. Unlike the multi-perspective act, the three choices will lead to a different series of events or different plots (Col. 8, lines 40-50). Bejan teaches, “enabling different interactive viewers to make at least one of the alternative decisions” by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to

one of the three perspectives and thus one of the three series of images or "scene sequences" (Col. 8, lines 2-6).

Regarding Claim 9, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "a plurality of potentially viewable scenes" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25). Bejan teaches, "some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer" by disclosing in figure 3, branching acts block which leads the user to a series of decisions that are associated with the selected branch. Bejan further teaches the three choices presented to the viewer will lead to a different series of events or different plots and once the viewer has determined the direction in which the plot will continue, the main computer instructs the videodisk player to play the selected new series of images (Col. 8, lines 40-50). Bejan teaches, "for each alternative decision at a branching point, a sequence of scenes corresponding to the decision" by disclosing 2nd branch A, B, or C in figure 3 that each lead to another decision for the viewer to make about how the story branches. Bejan teaches, "the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene", by disclosing in figure 3, in order to minimize the number of

scenes which must be stored, intersection scenes can be used. An intersection scene brings all the various branches together in time (Col. 10, lines 5-12). Bejan teaches, "for selected decisions made prior to a linking scene, one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene that is viewable after the linking scene" by disclosing in figure 3, after the linking scene the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22).

As for Claim 10, Bejan teaches, "means for enabling the viewer to make the alternative decisions" by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to one of the three perspectives and thus one of the three series of images or "scene sequences" (Col. 8, lines 2-6). Bejan teaches, "software for presenting the scene sequences that corresponds to the viewer's decisions, for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence the variation scene from the set that is related to the particular decision made" by disclosing in order to control the videodisk player 34 based on the information from the polling computer 28, the main computer 30 must have software and data concerning the images stored in the videodisk 36. A suitable software system is the MacroMind Director Version 3.1 licensed by MacroMind, Inc. of San Francisco, Calif. The software allows the main computer to store information concerning the SMPTE time code or other address of images or series of images stored on the videodisk 36, and allow the main computer 30

to access the stored images from the videodisk 36 based on the SMPTE time (Col. 6, lines 50-61).

Regarding Claim 24, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "a plurality of potentially viewable scenes" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25). Bejan teaches, "some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer" by disclosing in figure 3, branching acts block which leads the user to a series of decision that are associated with the selected branch. Bejan teaches, "for each alternative decision at a branching point, a sequence of scenes corresponding to the decision" by disclosing 2nd branch A, B, or C in figure 3 each lead to another decision for the viewer to make about how the story branches. Bejan teaches, "the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene" by disclosing intersections scenes can be used to bring all the various branches together in time as shown in figure 3 (Col. 10, lines 5-12). Bejan teaches, "for selected decisions made prior to a linking scene, one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being

associated with a scene that is viewable after the linking scene" by disclosing when the audience arrives at the first branch act, shown in figure 3, the user chooses branch A, B, or C and then from the chose branch, the viewer will be prompted to make another decision that is related to the selected branch (Col. 9, line 38 – Col. 10, line 25).

Regarding Claim 30, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "a plurality of potentially viewable scenes" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25). Bejan teaches, "some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer" by disclosing in figure 3, branching acts block which leads the user to a series of decisions that are associated with the selected branch. Bejan further teaches the three choices presented to the viewer will lead to a different series of events or different plots and once the viewer has determined the direction in which the plot will continue, the main computer instructs the videodisk player to play the selected new series of images (Col. 8, lines 40-50). Bejan teaches, "for each alternative decision at a branching point, a sequence of scenes corresponding to the decision" by disclosing 2nd branch A, B, or C in figure 3 that each lead to another decision for the viewer to make about how the story branches. Bejan teaches, "the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking

scene containing content that is not dependant upon the particular decisions made prior to the linking scene”, by disclosing in figure 3, in order to minimize the number of scenes which must be stored, intersection scenes can be used. An intersection scene brings all the various branches together in time (Col. 10, lines 5-12). Bejan teaches, “for selected decisions made prior to a linking scene, one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene that is viewable after the linking scene” by disclosing in figure 3, after the linking scene the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22).

8. Claims 4, 6-8, 18, 20-22, 27-29, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiels et al. “Shiels” (U.S. 5,754,770).

Regarding Claim 4, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, “providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes” by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49). Shiels teaches, “in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented” by disclosing at the end of a scene or “act” a viewer may see a menu of possible options

appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44). Shiels teaches, "enabling the viewer to make one of the alternative decisions" by disclosing UID 12, which allows the user to make alternative decisions by sending command signals to set-top box 14 (Col. 6, lines 24-33). Shiels teaches, "in each act that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative. Shiels teaches, "prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act" by disclosing the user will be presented with a visual indication, such as a pop up menu or asterisk, that notifies the user to make a decision on the order of the next act (Col. 6, 33-44). Shiels teaches, "presenting to the viewer, in the act determined by his decision, neutral scenes of the act interspersed with alternative scenes that are appropriate to the relative order in which the act is presented" by disclosing common scenes H, J, and K which may appear in the act that do not depend on the choices made previously by the viewer (Col. 6, lines 3-19).

As for Claim 6, Shiels teaches, "presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent act will be

presented” by disclosing The existence of an interaction period may be indicated to the viewer in a number of different ways. For example, an asterisk may appear on the screen or a menu of possible options may be displayed: this menu is preferably provided via the video effects unit 42 of the STB such that, as soon as the user has selected an item, the menu may be removed from the screen to minimize the intrusion. The positioning of the menu should be such as to avoid blocking the on-screen story and may be provided as, for example, a picture-in-picture or as a pull-up menu which the user can access during an interaction period (Col. 6, lines 34-44). Shiels teaches, “enabling each interactive viewer to make at least one of the alternative decisions” by disclosing the user may use UID 12 to send command signals to STB 14 (Col. 6, lines 25-33).

Regarding Claim 7, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, “providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes” by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49). Shiels teaches, “in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented” by disclosing at then end of a scene or “act” a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44). Shiels teaches, “enabling the viewer to make one of the

alternative decisions" by disclosing UID 12, which allows the user to make alternative decisions by sending command signals to set-top box 14 (Col. 6, lines 24-33). Shiels teaches, "in each act that can be presented in a different order, providing alternative connecting scenes leading into and out of the act" by disclosing in figure 6, acts B and D respectively have scene A leading in and scenes F, E, H, and C leading out. Shiels teaches, "prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act" by disclosing the user will be presented with a visual indication, such as a pop up menu or asterisk, that notifies the user to make a decision on the order of the next act (Col. 6, 33-44). Shiels teaches, "presenting to the viewer, in the subsequent act determined by his decision, the alternative connecting scenes that are appropriate to the order in which the act is presented" by disclosing if the viewer chooses act B, the viewer will make the decision on which alternative connecting scene to watch, either scene C or H, and after the selection is made, the viewer will be presented the accompanying alternative scene (Col. 6, lines 3-66).

Considering Claim 8, the claimed elements of presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent act will be presented and enabling each interactive viewer to make at least one of the alternative decisions, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Regarding Claim 18, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "a plurality of

potentially viewable scenes grouped as a plurality of acts" by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49). Shiels teaches, "at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented" by disclosing at the end of a scene or "act" a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44). Shiels teaches, "each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

As for Claim 20, Shiels teaches, "means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts" by disclosing a viewer can interact with STB 14 using UID 12 as shown in figures 1 and 5 (Col. 6, lines 25-30). Shiels teaches "software for presenting to the viewer, in the acts determined by his decision, the act's neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the act is presented" by disclosing CPU 36 which controls the operations of STB 14 by receiving data streams

that contain program information specifying how the processor is to handle the audio and video streams and other information specific to features of the particular interactive narrative (Col. 4, line 1 – Col. 5, line 8). Therefore, STB 14 or “interactive entertainment system” must include software for presenting neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the act was presented.

As for Claim 21, Shiels teaches, “wherein the selectable-order acts have alternative connecting scenes leading into and out of the act” by disclosing in figure 6, acts B and D respectively have scene A leading in and scenes F, E, H, and C leading out.

As for Claim 22, Shiels teaches, “means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts” by disclosing a viewer can interact with STB 14 using UID 12 as shown in figures 1 and 5 (Col. 6, lines 25-30). Shiels teaches, “software for presenting to the viewer, in the acts determined by his decision, the connecting scenes appropriate to the order in which the act is presented” by disclosing CPU 36 which controls the operations of STB 14 by receiving data streams that contain program information specifying how the processor is to handle the audio and video streams and other information specific to features of the particular interactive narrative (Col. 4, line 1 – Col. 5, line 8). Therefore, STB 14 or “interactive entertainment system” must include software for presenting connecting scenes appropriate to the order in which the act is presented.

Regarding Claim 27, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "a plurality of potentially viewable scenes grouped as a plurality of acts" by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49). Shiels teaches, "at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented" by disclosing at then end of a scene or "act" a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44). Shiels teaches, "each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

As for Claim 28, Shiels teaches, "wherein the interactive entertainment is transmitted to a viewer over a communications network in real time" by disclosing in figure 4, the narrative is supplied via a VOD system from a server 30 over a network 32 (Col. 3, lines 60-64).

As for Claim 29, Shiels teaches, "wherein the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device" figure 3, data sent from a cable server over communications network 24 (Col. 3, lines 50-53) can be stored in STB 14 or "storage device" (Col. 4, lines 1-55).

Regarding Claim 31, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches "a plurality of potentially viewable scenes grouped as a plurality of acts" by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49). Shiels teaches, "at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented" by disclosing at then end of a scene or "act" a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44). Shiels teaches, "each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

Regarding Claim 32, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of periodic episodes, each episode containing potentially viewable scenes" by disclosing in figure 6, periodic episodes B and D with viewable scenes C, H, E, and D respectfully. Shiels teaches, "in at least one of the episodes, presenting to the viewer alternative decisions that will determine an order in which a subsequent episode will be presented" by disclosing the existence of an interaction period, between episodes, may be indicated to the viewer in a number of different ways. For example, an asterisk may appear on the screen or a menu of possible options may be displayed: this menu is preferably provided via the video effects unit 42 of the STB such that, as soon as the user has selected an item, the menu may be removed from the screen to minimize the intrusion. The positioning of the menu should be such as to avoid blocking the on-screen story and may be provided as, for example, a picture-in-picture or as a pull-up menu which the user can access during an interaction period (Col. 6, lines 34-44).

Shiels teaches, "enabling the viewer to make one of the alternative decisions" by disclosing in figures 1 and 6, STB 14 receives selection commands made by the viewer using UID 12 (Col. 6, lines 26-29). Shiels teaches, "in each episode that can be presented in a different order, providing at alternative connecting scenes leading into and out of the episode" by disclosing in figure 6, episodes B and D have scene A leading into the episodes and scenes C, H, E, and D provide lead out scenes to

episodes B and D respectfully. Shiels teaches, "prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent episode" by disclosing the user will be shown a menu of options on the screen of TV 10, with the menu displaying the alternative decisions the user may make for the narrative (Col. 6, lines 34-44). Shiels teaches, "presenting to the viewer, in the subsequent episode determined by his decision, the alternative connecting scenes that are appropriate to the order in which the episode is presented" by disclosing if the viewer chooses episode B, the viewer will make the decision on which alternative connecting scene to watch, either scene C or H, and after the selection is made, the viewer will be presented the accompanying alternative scene (Col. 6, lines 3-66).

As for Claim 33, Shiels teaches, "presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent episode will be presented" by disclosing the user will be shown a menu of options on the screen of TV 10, with the menu displaying the alternative decisions the user may make for the narrative (Col. 6, lines 34-44). Shiels teaches, "enabling each interactive viewer to make at least one of the alternative decisions" by disclosing in figures 1 and 6 that a user may make at least one of the alternative decisions by using UID 12 (Col. 6, lines 25-29).

Regarding Claim 34, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "a plurality of potentially viewable scenes grouped as a plurality of periodic episodes" by disclosing in figure 6, episodes B and D. Shiels teaches, "at least one of the episodes having a scene

that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent episode will be presented" by disclosing the existence of an interaction period, between episodes, may be indicated to the viewer in a number of different ways. For example, an asterisk may appear on the screen or a menu of possible options may be displayed: this menu is preferably provided via the video effects unit 42 of the STB such that, as soon as the user has selected an item, the menu may be removed from the screen to minimize the intrusion. The positioning of the menu should be such as to avoid blocking the on-screen story and may be provided as, for example, a picture-in-picture or as a pull-up menu which the user can access during an interaction period (Col. 6, lines 34-44). Shiels teaches, "each episode that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the episode is viewed, and sets alternative scenes in which the content is dependant upon the relative order in which the episode is viewed" by disclosing in figure 6, a user may first view episode B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejan.

As for Claim 12, Bejan fails to explicitly disclose wherein the digital video player is a game player and television. The examiner gives Official Notice that it is notoriously well known in the art to use game players connected to televisions as a digital video player. According it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan in order to use a game player and television as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 15, Bejan fails to explicitly disclose wherein the digital video player is a computer and a television. The examiner gives Official Notice that it is notoriously well known in the art to use a computer and a television as a digital video player. According it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan in order to use a computer and a television as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

11. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiels.

As for Claim 5, Shiels fails to explicitly disclose the neutral scenes include scenes of relatively high production cost in relation to the alternative scenes. However, the examiner gives Official Notice that it is notoriously well known in the art to spend more money on some scenes than other scenes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiels in order to include neutral scenes that include relatively high production cost in relation to the alternative scenes because all viewers will view the neutral scene.

Considering Claim 19, the claimed elements in which the neutral scenes include scenes of relatively high production cost in relation to the alternative scenes, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

12. Claims 11, 13-14, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejan et al. "Bejan" (U.S. 5,465,384) in view of Shiels et al. "Shiels" (U.S. 5,754,770).

As for Claim 11, Bejan fails to explicitly disclose wherein the digital video player is a general purpose computer and monitor. In a related art pertaining to video distribution, Shiels discloses the digital video player can be in the form of personal computer (Col. 10, lines 27-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the

teachings of Shiels in order to use a general purpose computer and monitor as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 13, Bejan fails to explicitly disclose wherein the digital video player is a set-top box and a television. In a related art pertaining to video distribution, Shiels discloses in figure 1, the use of STB 14, which is connected to TV 10 (Col. 3, lines 27-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a set-top box and a television for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 14, Bejan fails to explicitly disclose wherein the digital video player is a personal video recorder having digital storage capability and a television. In a related art pertaining to video distribution, Shiels discloses in figure 1, the use of local storage 16, which may comprise a CD player or “digital video player” connected to a television 10 via STB 14 as shown in figure 1 (Col. 3, lines 43-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a personal video recorder having digital storage capability and a television for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 16, Bejan fails to explicitly disclose wherein the digital video player is a television having computing capability, wherein the television is adapted to present

digital video to a user. In a related art pertaining to video distribution, Shiels discloses the necessary computing can be stored in a television (Col. 10, lines 27-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a television as a digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 17, Bejan fails to explicitly disclose wherein the digital video player is a cable television system having a computer located at its head-end and a television. In a related art pertaining to video distribution, Shiels discloses in figure 3, cable server 26 is connected to TV 10 via STB 14 (Col. 3, lines 43-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a cable television system having a computer located at its head-end and a television as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 25, Bejan fails to explicitly disclose wherein the interactive entertainment is transmitted to a viewer over a communications network in real time. In a related art pertaining to video distribution, Shiels discloses in figure 4, VOD server that transmits data over a communications network 32 to STB 14, which then displays the data on TV 10 (Col. 3, lines 59-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to transmit interactive data over a communications network I

real time for the benefit of allowing the viewer to make requests for interactive programming in their own time.

As for Claim 26, Bejan fails to explicitly disclose wherein the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device. In a related art pertaining to video distribution, Shiels discloses in figure 3, data sent from a cable server over communications network 24 (Col. 3, lines 50-53) can be stored in STB 14 or “storage device” (Col. 4, lines 1-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to transmit interactive entertainment to a viewer over a communications network and store received entertainment of a storage device for the benefit of storing a plurality of branch scenes that may or may not be used.

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Hendricks (U.S. 6,557,173) and further in view of Bejan.

Regarding Claim 23, applicant's own admitted prior art discloses well-known book-based adventures that allow users to assume the role of a character and make choices within the context of an adventure. These books present a reader with short text sequences that conclude with a choice. Based on this choice, the reader is directed to another page in the book where the consequence of the choice is described. However,

applicant fails to disclose the use of electronic books that are choose your adventure based. Advantageously, Hendricks discloses the use of a portable electronic book viewer receives electronic text and graphic files, or electronic books, by connection to a television program delivery system (Abstract). Hendricks discloses a small portable reader 725, called "EveryBook" is also provided with the upgrade to enable downloaded text to be read without the use of a TV. Hendricks further discloses, the downloadable information may be text or video supplied by the operations center or cable headend 208. With this upgrade, books may be downloaded and read anywhere with the portable reader (Col. 20, lines 37-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hendricks with the applicant's disclosure in order to advantageously provide an electronic book that can receive text and images from a cable system headend for the benefit of providing users with a create your own adventure electronic book. However, Hendricks fails to disclose the limitations necessitated by the claim. In a related art pertaining to video distribution, Bejan discloses, a plurality of potentially viewable scenes or "pages" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25). Bejan teaches, some of the scenes or "pages" defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer by disclosing in figure 3, branching acts block which leads the user to a series of decisions that are associated with the selected branch. Bejan further teaches the three choices presented to the viewer will lead to a different series of events or different plots and once the viewer has

determined the direction in which the plot will continue, the main computer instructs the videodisk player to play the selected new series of images or "pages" (Col. 8, lines 40-50). Bejan teaches, for each alternative decision at a branching point, a sequence of scenes or "pages" corresponding to the decision by disclosing 2nd branch A, B, or C in figure 3 that each lead to another decision for the viewer to make about how the story branches. Bejan discloses, the branching points and their related scene or "page" sequences being structured such that essentially every set of scene or "page" sequences determined by viewer decisions eventually reaches at least one linking scene or "page" containing content that is not dependant upon the particular decisions made prior to the linking scene or "page", in figure 3, in order to minimize the number of scenes or "pages" which must be stored, intersection scenes or "pages" can be used. An intersection scene or "page" brings all the various branches together in time (Col. 10, lines 5-12). Bejan discloses, for selected decisions made prior to a linking scene or "page", one or more sets of variation scenes or "pages" that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene or "page" that is viewable after the linking scene or "page" by disclosing in figure 3, after the linking scene or "page" the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks with the teachings of Bejan in order to facilitate providing a user with a plurality of viewable pages with some of the pages defining branching points of the entertainment for the

benefit of providing the users the with the ability to determine the plot of the interactive story (Bejan – Background).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bendinelli et al. (U.S. 6,792,618) – Discloses a system allowing viewer customization of displayed programming based on transmitted URLs.

Kozuka et al. (U.S. 5,818,435) – Discloses a multimedia data presentation device and editing device with automatic default selection of scenes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CW
December 20, 2005

Matthew Bell
Patent Examiner
Art Unit 2614